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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,105	03/24/2000	Robert G. Arsenault	PD-980199	1776
20991	7590	03/25/2004	EXAMINER	
HUGHES ELECTRONICS CORPORATION PATENT DOCKET ADMINISTRATION RE/R11/A109 P O BOX 956 EL SEGUNDO, CA 90245-0956			VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 03/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/535,105	ARSENAULT ET AL.
	Examiner Ngoc K. Vu	Art Unit 2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                          2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/26</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemmons (US 6,481,011 B1).

Regarding claim 1, Lemmons discloses a method for selecting a first digital object display in an electronic television program guide (selecting program information of a particular program display in an EPG -see abstract) comprising the steps of:

receiving the first digital object from a direct-to-home satellite communication system (receiving the program information of the particular program via satellite 18 – see figure 1; col. 3, lines 27-42);

determining first and second fuzzy variable values associated with the first digital object (determining first and second attributes, e.g., category and actor, associated with the program information of the particular program – see col. 5, lines 17-19 and 46-52);

determining a first priority by mapping the first and second fuzzy variable values onto a profile surface adapted for determining preferences associated with a television viewer (determining a first priority by mapping the first and second attributes on to a profile, e.g., 90, for determining preference criterion associated with a viewer – see col. 7, lines 54-51; col. 5, lines 33-45; col. 9, lines 24-32 and figure 6);

comparing the first priority to a predefined threshold (for example, comparing the attributes of the received program with a preference criterion such as drama category, i.e., Casablanca, and specific actor, i.e., Humphrey Bogart – see col. 9, lines 21-34; col. 5, page 45-52); and

selecting the first digital object for display in the electronic television program guide if the first priority crosses the predefined threshold (selecting the program information of the particular program for display in the EPG if the attributes matched the preference criterion – see abstract; col. 5, lines 45-52).

Regarding claim 2, Lemmons discloses receiving a second digital object from the direct-to-home satellite communication system (receiving program information of another particular program via satellite 18 – see figure 1; col. 3, lines 27-42);

determining third and fourth fuzzy variable values associated with the second digital object (determining third and fourth attributes, e.g., category and actor, associated with the program information of another particular program – see col. 5, lines 17-19 and 46-52); and

setting the predefined threshold by mapping the third and fourth fuzzy variable values onto the profile surface (setting the preference criterion by mapping the third and fourth preference attributes onto the profile 90 - see col. 7, lines 54-51; col. 5, lines 33-45; col. 9, lines 24-32 and figure 6).

Regarding claim 3, Lemmons discloses the step of displaying the first digital object in the electronic television program guide (see col. 5, lines 14-19).

Regarding claim 4, Lemmons further discloses the steps of selecting a color based on the comparison between the first priority and the predefined threshold, and associating the display of the first digital object with the selected color (for example, the program information that satisfy the preference criterion, e.g., category and actor, will be displayed in a selected

color, e.g., blue, of the criterion having the highest priority – see col. 9, lines 24-33; col. 5, lines 14-52).

Regarding claim 6, Lemmons discloses that the first digital object comprises an advertising object (program information may include the advertising information - see col. 3, lines 52-53).

Regarding claim 9, Lemmons discloses an apparatus for displaying a first digital object in an electronic television program guide (displaying program information of a particular program in an EPG – see abstract) comprising:

a receiver (28) that receives the first digital object from a direct-to-home satellite communication system (receiving the program information of the particular program via satellite 18 – see figure 1; col. 3, lines 27-42; col. 4, lines 20-33);

a controller (28) for determining first and second fuzzy variable values associated with the first digital object (determining first and second attributes associated with program information of the particular program, e.g., category and actor, associated with the program information of the particular program – see col. 5, lines 17-19 and 46-52), the controller determining a first priority by mapping the first and second fuzzy variable values onto a profile surface adapted for determining preferences associated with a television viewer (determining a first priority by mapping the first and second attributes on to a profile, e.g., 90, for determining preference criterion associated with a viewer – see col. 7, lines 54-51; col. 5, lines 33-45; col. 9, lines 24-32 and figure 6), the controller comparing the first priority to a predefined threshold (for example, comparing the attributes of the received program with a preference criterion such as drama category, i.e., Casablanca, and specific actor, i.e., Humphrey Bogart – see col. 9, lines 21-34; col. 5, page 45-52), and

a display (32), the controller causing the display to present the first digital object in the electronic television program guide if the first priority crosses the predefined threshold (displaying the program information of the particular program in the EPG if the attributes matched the preference criterion – see abstract; col. 5, lines 45-52).

Regarding claim 10, Lemmons discloses that the receiver is further adapted to receive a second digital object from the direct-to-home satellite communication system (receiving program information of another particular program via satellite 18 – see figure 1; col. 3, lines 27-42);

the controller is further adapted to determine third and fourth fuzzy variable values associated with the second digital object (determining third and fourth attributes, e.g., category and actor, associated with the program information of another particular program – see col. 5, lines 17-19 and 46-52); and

the controller is further adapted to determine the predefined threshold by mapping the third and fourth fuzzy variable values onto the profile surface (determining the preference criterion by mapping the third and fourth preference attributes onto the profile 90 - see col. 7, lines 54-51; col. 5, lines 33-45; col. 9, lines 24-32 and figure 6).

Regarding claim 11, Lemmons discloses that the controller is further adapted to select a color based on the comparison between the first priority and the predefined threshold; and the controller is further adapted to associate the display of the first digital object with the selected color (for example, the program information that satisfy the preference criterion, e.g., category and actor, will be displayed in a selected color, e.g., blue, of the criterion having the highest priority – see col. 9, lines 24-33; col. 5, lines 14-52).

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2611

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 6,481,011 B1).

Regarding claim 5 and 12, Lemmons discloses displaying program information based on the comparison between the preference criterion and the attributes of the program with a selected color associated with preference attributes (see col. 5, lines 43-52). Lemmons does not disclose associating the display of the program information with a selected number. Official Notice is taken that displaying an indicator such as icon or a symbol in a program guide is well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the program guide of Lemmons by presenting a number in order to allow the viewer easily identify the program information of the user's interest in the program guide.

4. Claims 7, 8, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 6,481,011 B1) in view of Lazarus et al. (US 5,652,613 A).

Regarding claim 7, Lemmons discloses a method for selecting a first digital object display in an electronic television program guide (selecting program information of a particular program display in an EPG -see abstract) comprising the steps of:

receiving the first digital object from a direct-to-home satellite communication system (receiving the program information of the particular program via satellite 18 – see figure 1; col. 3, lines 27-42);

determining first and second fuzzy variable values associated with the first digital object (determining first and second attributes, e.g., category and actor, associated with the program information of the particular program – see col. 5, lines 17-19 and 46-52);

determining a first priority by mapping the first and second fuzzy variable values onto a profile surface adapted for determining preferences associated with a television viewer (determining a first priority by mapping the first and second attributes on to a profile, e.g., 90, for determining preference criterion associated with a viewer – see col. 7, lines 54-51; col. 5, lines 33-45; col. 9, lines 24-32 and figure 6);

comparing the first priority to a predefined threshold (for example, comparing the attributes of the received program with a preference criterion such as drama category, i.e., Casablanca, and specific actor, i.e., Humphrey Bogart – see col. 9, lines 21-34; col. 5, page 45-52); and

selecting the first digital object if the first priority crosses the predefined threshold (selecting the program information of the particular program for display in the EPG if the attributes matched the preference criterion – see abstract; col. 5, lines 45-52).

Lemmons does not explicitly disclose deletion the first object from a memory. However, Lazarus discloses a television electronic program guide memory management system deletes the least valuable stored program information at that moment as free memory space is needed by the system (see col. 4, lines 10-29; col. 4-5, lines 60-21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Lemmons by deleting the least valuable stored program information from a memory as taught by Lazarus in order to free memory space for more storage.

Regarding claim 8, Lemmons discloses receiving a second digital object from the direct-to-home satellite communication system (receiving program information of another particular program via satellite 18 – see figure 1; col. 3, lines 27-42);

determining third and fourth fuzzy variable values associated with the second digital object (determining third and fourth attributes, e.g., category and actor, associated with the program information of another particular program – see col. 5, lines 17-19 and 46-52); and setting the predefined threshold by mapping the third and fourth fuzzy variable values onto the profile surface (setting the preference criterion by mapping the third and fourth preference attributes onto the profile 90 - see col. 7, lines 54-51; col. 5, lines 33-45; col. 9, lines 24-32 and figure 6).

Regarding claim 13, Lemmons discloses an apparatus for displaying a first digital object in an electronic television program guide (displaying program information of a particular program in an EPG – see abstract) comprising:

a receiver (28) that receives the first digital object from a direct-to-home satellite communication system (receiving the program information of the particular program via satellite 18 – see figure 1; col. 3, lines 27-42; col. 4, lines 20-33);

a controller (28) for determining first and second fuzzy variable values associated with the first digital object (determining first and second attributes associated with program information of the particular program, e.g., category and actor, associated with the program information of the particular program – see col. 5, lines 17-19 and 46-52), the controller determining a first priority by mapping the first and second fuzzy variable values onto a profile surface adapted for determining preferences associated with a television viewer (determining a first priority by mapping the first and second attributes on to a profile, e.g., 90, for determining preference criterion associated with a viewer – see col. 7, lines 54-51; col. 5, lines 33-45; col. 9, lines 24-32 and figure 6), the controller comparing the first priority to a predefined threshold (for example, comparing the attributes of the received program with a preference criterion such as

drama category, i.e., Casablanca, and specific actor, i.e., Humphrey Bogart – see col. 9, lines 21-34; col. 5, page 45-52), and

a memory (28), the controller does not present the first digital object if the first priority crosses the predefined threshold (the program information of the particular program is not presented if the attributes does not match the preference criterion – see abstract; col. 4, lines 20-23 and 51-55; col. 5, lines 45-52).

Lemmons does not explicitly disclose deletion the first object from a memory. However, Lazarus discloses a television electronic program guide memory management system deletes the least valuable stored program information at that moment as free memory space is needed by the system (see col. 4, lines 10-29; col. 4-5, lines 60-21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Lemmons by deleting the least valuable stored program information from a memory as taught by Lazarus in order to free memory space for more storage.

Regarding claim 14, Lemmons discloses that the receiver is further adapted to receive a second digital object from the direct-to-home satellite communication system (receiving program information of another particular program via satellite 18 – see figure 1; col. 3, lines 27-42);

the controller is further adapted to determine third and fourth fuzzy variable values associated with the second digital object (determining third and fourth attributes, e.g., category and actor, associated with the program information of another particular program – see col. 5, lines 17-19 and 46-52); and

the controller is further adapted to determine the predefined threshold by mapping the third and fourth fuzzy variable values onto the profile surface (determining the preference criterion by mapping the third and fourth preference attributes onto the profile 90 - see col. 7, lines 54-51; col. 5, lines 33-45; col. 9, lines 24-32 and figure 6).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alexander (US 6,177,931 B1) discloses a system and method for displaying EPG and utilizing a viewer's profile to customize various aspect of the EPG.

Kahn (US 5,978,649 A) discloses a method and apparatus for dynamic conditional channel authorization in a broadcast system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Examiner  
Art Unit 2611